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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,174	10/19/2001	Makoto Aikawa	500.40787X00	7800
20457	7590	04/06/2006	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			TOPGYAL, GELEK W	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,174

Applicant(s)

AIKAWA ET AL.

Examiner

Gelek Topgyal

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/19/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/19/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al (US 6,618,549).

Regarding claim 1, Kato discloses a digital signal recording method of recording a digital signal inputted from a digital interface, comprising the steps of:

- with respect to first, second, and third information as information to protect a copyright (Kato teaches different types of information to protect a copyright. He teaches of an encoding mode indicator (EMI), copy control information (CCI), copy permission indicator (CPI) and of a CCI_invalid_flag that all relate to copyright information (Fig. 1, col. 7, lines 35 – col. 8, line 36)
- adding said first and second information to said digital signal (Kato discloses that copy control information and CCI_invalid_flag information are stored along with the signal in the transport stream (col. 10, lines 39 – col. 11, lines 13);

- deciding a value of fourth information as said information to protect the copyright from a combination of said first, second, and third information when said third information is inputted from said digital interface together with said digital signal (Kato teaches that encoding mode indicator (EMI) is extracted from the input stream by way of the EMI analyzing circuit (45) and that the EMI-CPI encoder 46 encodes it into CPI information based on EMI information. The information is further sent to the Recording format encoder 47 which takes in the new CCI information from the CCI rewriting circuit to determine the information to be written on the medium. The information written on the medium is written in VDR_MPEG2_transport_stream, which includes CPI and CCI_invalid_flag. (Fig. 1-3, col. 9, lines 56 - col. 11, lines 13);
- and recording said fourth information onto a recording medium (Kato teaches that CPI information and the CCI_invalid_flag are recorded onto the recording medium 49 (Fig. 1-3, col. 10, lines 65- col. 11, line 4).

Regarding claim 2, Kato teaches the following as stated above in claim 1 rejection: CCI information (first information), EMI information (third information), CPI information written on the medium (fourth information) and CCI_invalid_flag that prevents further copies of the signal to be rid of copy control information by rewriting the correct copy control information (Fig. 1, col. 7, lines 35 – col. 8, line 36, and col. 11, line 50 – col. 12, lines 21).

Reproducing method claims 3 and 4 are rejected with the same reasons as discussed in the recording method claims 1 and 2 above.

Claims 5 and 6 are rejected for the same reasons as discussed in claims 1 and 2 above.

Claims 7 and 8 are rejected for the same reasons as discussed in claims 1 and 2 above. It should be noted that changing claims 5 and 6 from present tense to past tense does not change the scope of the claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hashimoto et al (US 6,526,146) teaches a similar system that allows copy control information to be updated depending on different sources.

Okuyama et al (US 5,987,126) teaches a system that records new copy control information depending on whether a copy flag is detected.

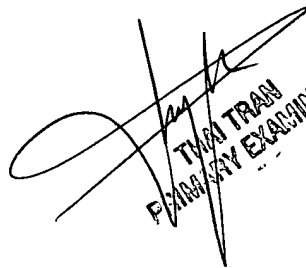
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gelek Topgyal
3/23/2006


THAI TRAN
PRIMARY EXAMINER